

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**ORDER**

APPLICATION 24495 PERMIT 17216 LICENSE

**ORDER TO ADD A POINT OF DIVERSION**

**WHEREAS:**

1. Permit 17216 was issued to Dunsmuir Water Corporation on March 29, 1978 pursuant to Application 24495.
2. Permit 17216 was subsequently assigned to Town of Fort Jones.
3. A petition to add a point of diversion on Moffett Creek Underflow has been filed with the State Water Resources Control Board (Board).
4. The Board has determined that the petitioned change does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. Condition 2 of the permit be amended to read:

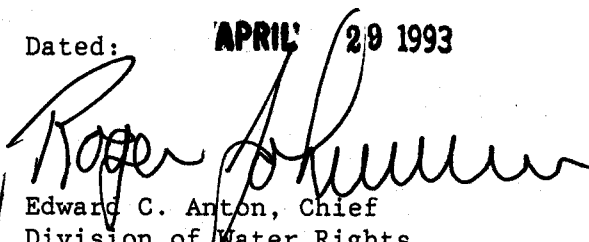
Location of Points of Diversion:

1. South 2,600 feet and West 1,600 feet from the NE corner of Section 2, T43N, R9W, MDB&M; being within the SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of said Section 2 (California Coordinate System, Zone 1, North 829,500 and East 1,769,300.)
2. North 70 feet and West 3,480 feet from the SE corner of Section 2, T43N, R9W, MDB&M; being within the SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 2, (California Coordinate System, Zone 1, N 826,800 and East 1,767,300.)

(0000002)

Dated:

**APRIL** 29 1993

  
Edward C. Anton, Chief  
Division of Water Rights

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**ORDER**

APPLICATION 24495 PERMIT 17216 LICENSE \_\_\_\_\_

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE  
ADDING URBAN WATER CONSERVATION ACTIONS  
AND AMENDING THE PERMIT

**WHEREAS:**

1. Permit 17216 was issued to Dunsmuir Water Corporation, on March 29, 1978 pursuant to Application 24495.
2. Permit 17216 was subsequently assigned to Fort Jones Water Company.
3. The permittee has proceeded with diligence and good cause has been shown for said extension of time.
4. Pursuant to the State Water Resources Control Board's Water Conservation Program, municipal water suppliers are required to prepare, adopt and implement a water conservation management plan or action(s). Under the Board's water conservation program an urban water supplier (i.e., a supplier, either publicly or privately owned, providing water for municipal purposes either directly or indirectly to less than 3,000 customers) shall adopt a water conservation management plan. Permittee is an urban water supplier and is therefore required to develop, adopt and implement Urban Water Conservation Actions. An appropriate condition should be added to this permit.
5. Permit Condition 10 pertaining to the continuing authority of the Board should be updated to conform to Section 780(a), Title 23 of the California Code of Regulations.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. Condition 7 of the permit be amended to read:

COMPLETE APPLICATION OF THE  
WATER TO THE PROPOSED USE  
SHALL BE MADE ON OR BEFORE

December 31, 1997

(0000009)

2. Condition 10 of the permit be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and

operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

3. Condition 13 is added to this permit as follows:

Permittee shall consult with the Division of Water Rights and develop and implement a water conservation plan or actions. The proposed plan or actions shall be presented to the State Water Resources Control Board for approval within one year from the date of this permit or such further time as for good cause shown, may be allowed by the Board. A progress report on the development of a water conservation program may be required by the Board at any time within this period.

All cost-effective measures identified in the water conservation program shall be implemented in accordance with the schedule for implementation found therein. (000029B)

Dated: APRIL 11 1990

for   
Walter G. Pettit, Chief  
Division of Water Rights

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 17216

Application 24495 of Dunsmuir Water Corporation

(over)

P. O. Box 465, Dunsmuir, California 96025

filed on October 19, 1973, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

Moffett Creek (underflow)

Scott River thence

Klamath River

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridian
S2600 ft and W1600 ft from NE Corner of Section 2	SW $\frac{1}{4}$ of NE $\frac{1}{4}$	2	43N	9W	MD

County of Siskiyou

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridian	Acres
Municipal	Fort Jones and vicinity					
	within: W $\frac{1}{2}$	1	43N	9W	MD	
	all	2	43N	9W	MD	
	SE $\frac{1}{4}$	35	44N	9W	MD	
	all	36	44N	9W	MD	

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 1.2 CUBIC FEET PER SECOND TO BE DIVERTED FROM JANUARY 1 TO DECEMBER 31 OF EACH YEAR. THE MAXIMUM AMOUNT DIVERTED UNDER THIS PERMIT SHALL NOT EXCEED 576 ACRE-Feet PER YEAR. (000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

~~XXXXXX construction work shall begin on or before two years from date of permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.~~

&xxSandxxxxxxxrockxxxxxshalexxxxxcompactedxxxxorbed&

7. ~~X~~ Complete application of the water to the proposed use shall be made on or before **DECEMBER 1, 1988.** (00000009)

8. ~~XX~~ Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued.

9. ~~XX~~ Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (000001)

10. ~~XX~~ Pursuant to California Water Code Section 100 all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

This continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (3) suppressing evaporation losses from water surfaces; (4) controlling phreatophytic growth; and (5) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

11. ~~XX~~ The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

12. PERMITTEE SHALL NOT EXERCISE ANY OTHER EXISTING RIGHT TO THE USE OF WATER NAMED  
HEREIN SO LONG AS THIS PERMIT OR ANY LICENSE ISSUED PURSUANT THERETO REMAINS IN EFFECT.

This permit is issued and permittee takes it subject to the following provisions of the Water Code.

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

*Dated:*       **MARCH 29 1978**

STATE WATER RESOURCES CONTROL BOARD

~~Chief, Division of State Rights~~  
EXECUTIVE DIRECTOR